

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA, the)	
STATE OF TEXAS, <i>ex rel.</i> HICHEM)	Civil Action No. 4:18-cv-00123
CHIHI,)	
)	
Plaintiff-Relator,)	
)	
v.)	
)	
CATHOLIC HEALTH INITIATIVES, et al.)	
)	
Defendants.)	

**PLAINTIFF’S UNOPPOSED MOTION TO WITHDRAW
PARAGRAPHS 168-174 OF THE SECOND AMENDED COMPLAINT**

Relator Hichem Chihi (“Relator”), by and through the undersigned counsel, respectfully moves this Court to voluntarily withdraw Paragraphs 168-174 of his Second Amended Complaint and terminate the Contested Passages Discovery. In support, Relator states as follows:

1. The CHI Defendants have asserted a privilege over information contained in paragraphs 168-174 of Relator’s Second Amended Complaint (the “Contested Passages”).

2. On July 7, 2020, the Court ordered Relator and the CHI Defendants (collectively, the “Parties”) to engage in limited discovery to ascertain whether those seven paragraphs contain privileged information (the “Contested Passages Discovery”). *See* Dkt. 274 at 8.

3. On July 27, 2020, this case was referred to the United States Magistrate Judge Sam Sheldon in connection with, but not limited to, the proposed discovery plan for the Contested Passages Discovery. Dkt. 276.

4. The Court entered a limited discovery schedule governing the Contested Passages Discovery (Dkt. 285), which was modified by a subsequent order pursuant to an agreed joint motion by the Parties (Dkt. 290).

5. The Parties completed the initial required tasks, including the proposal of a stipulated protective order, which was entered by the Court (Dkt. 285); the exchange of interrogatories and production requests, which occurred on August 21, 2020; and the exchange of discovery responses, which occurred on September 18, 2020.

6. Following the exchange of initial discovery responses, to conserve resources, and to avoid further delay in the proceedings, Relator respectfully moves to voluntarily withdraw paragraphs 168-174 of his Second Amended Complaint, and for the parties to resume briefing on Defendants' forthcoming motion(s) to dismiss. On January 10, 2020, Magistrate Judge Johnson ruled that any motions to dismiss the Second Amended Complaint would be due 45 days after resolution of the Parties' dispute regarding the Contested Passages. *See* Dkt. 261.

7. Relator also asks this Court to terminate the pending deadlines for the Contested Passages Discovery set forth in the Court's September 14, 2020 order (Dkt. 290), as Relator has moved to voluntarily withdraw the contested allegations, and thus, further discovery is unnecessary.

8. Relator's counsel has conferred with counsel for the CHI Defendants, who have indicated that they have no opposition to Relator's motion and the relief sought herein.

9. WHEREFORE, Relator, by and through the undersigned counsel, respectfully moves to voluntarily withdraw paragraphs 168-174 of his Second Amended Complaint and for termination of the pending deadlines for the Contested Passages Discovery set forth in the Court's September 14, 2020 order (Dkt. 290).

Dated: September 30, 2020

Respectfully submitted,

/s/ Ruth Brown

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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of September, 2020, a true and correct copy of the foregoing was electronically served on counsel for all parties properly registered to receive notice via the Court's CM/ECF system.

/s/ Ruth Brown
Attorney for Relator Hichem Chihi

CERTIFICATE OF CONFERENCE

I hereby certify that I have conferred in good faith with Kevin Coffee, counsel for the CHI Defendants, regarding the subject matter of this motion, and the CHI Defendants have confirmed that they do not oppose the relief sought in this motion.

/s/ Ruth Brown
Attorney for Relator Hichem Chihi